

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**BOARD ROOM**  
**HEALTH AND HUMAN SERVICES BUILDING**  
**WILLMAR, MINNESOTA**

August 2, 2021  
6:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Julie Asmus, Thomas Butterfield, Michael O'Brien, Justin Ask, Vicki Davis, Andrew Plowman, and Audrey Nelsen. Present 9, Absent 0.

Also present were City Administrator Leslie Valiant, Police Captain Michael Anderson, Finance Director Steve Okins, Interim Public Works Director Gary Manzer, Planning and Development Services Director David Ramstad, Parks and Recreation Director Rob Baumgarn, Human Resource Director LuAnn Sietsema, City Clerk Judy Thompson, and City Attorney Robert Scott.

Additions/deletions to the agenda included: City Administrator Valiant added introduction of Human Resource Director, and an update on 2nd Street SE construction.

Council Member Fagerlie moved to approve the agenda. Council Member Nelsen seconded the motion which carried unanimously.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of July 19, 2021
- B. Willmar Municipal Utilities Commission Minutes of July 26, 2021
- C. Accounts Payable Report for July 9 – July 22, 2021
- D. Application for Exempt Permit – Glacial Ridge Curling
- E. Application for Temporary Liquor License Permit – Foxhole Brewhouse
- F. Park and Recreation Board Minutes of June 16, 2021
- G. **Resolution No. 2021-162 Consideration of Consent to Lease – Pioneerland Library**
- H. **Resolution No. 2021-163 Authorize Architect for Auditorium Historic Building Assessment**

Council Member Fagerlie offered a motion to introduce **Resolution No. 2021-161 Approving Consent Agenda Items**. Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Mayor Calvin asked for a moment of silence to remember the fallen police officer from Red Lake, MN.

At 6:02 p.m. Mayor Calvin opened the public hearing for an ordinance amending City Code Section 3-93 prohibited activities in premises of on-sale liquor licensees. Police Captain Anderson briefed the Council on the pertinent information.

There being no one present to speak for or against said ordinance, Mayor Calvin closed the public hearing at 6:04 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Butterfield offered a motion to adopt, assign a number and publish **Ordinance No. 1467 An Ordinance Amending Willmar Municipal Code, Chapter 3, Alcoholic Beverages, Article III, Sale of Intoxicating Liquor for On-Premises Consumption, Division 1, Generally, Section 3-93, Prohibited Activities in Premises of On-Sale Liquor Licensees**. Council Member Plowman seconded the motion which carried, on a roll call vote of Ayes 7, Noes 1. Council Member Nelsen voted "no".

City Administrator Valiant introduced Human Resource Director LuAnn Sietsema to the Mayor and Council. Ms. Sietsema provided an update on recent personnel items. Mayor Calvin and Council welcomed Ms. Sietsema to the City of Willmar.

City Clerk Thompson presented a request to approve Civic Center arena special event by on-sale liquor license holder permit for Mama Dee's Green Lantern LLC dba Green Lantern. She noted the Civic Center has rented space to Huff Entertainment to hold a Cage Fighting Xtreme Event on August 28, 2021 with plans to serve alcohol during the event.

Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Plowman seconded the motion.

Following discussion, Council Member Ask offered a motion to table this item. Council Member Nelsen seconded the motion which failed, on a roll call vote of Ayes 3, Noes 5.

Following further discussion, Council Member Nelsen offered a motion to again table this item. Council Member Ask seconded the motion which failed, on a roll call vote of Ayes 4, Noes 4. Council Members Fagerlie, Butterfield, O'Brien, and Plowman voted "no".

The original motion to approve staff's recommendation then carried on a roll call vote of Ayes 6, Noes 2. Council Members Ask and Davis voted "no".

Mayor Calvin called Point of Order and asked City Clerk Thompson for the division on the last roll call vote.

Bolton and Menk Principal Engineer Jared Voge presented a request to approve Change Order No. 1 for Project No. 2110-A Downtown Sanitary Sewer Lining in the amount of \$11,925.50. He noted this resulted from spot repair on the sanitary sewer to eliminate an off-set joint in the pipe. If left as-is, it could damage the new liner.

Council Member Asmus introduced **Resolution No. 2021-164 Accepting Change Order No. 1 for Project No. 2110-A**. Council Member O'Brien seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Planning and Development Director Ramstad presented a request to accept Epitopix's initial donation of \$53,000.00, subject to the condition that such funds be used for the sole purpose of designing and constructing the waterline extension to Epitopix property to be completed on or before December 31, 2022. He noted this is the first of three donations to be received. The second donation of \$238,500.00 to be received on or before October 15, 2021, and the third donation of \$238,500.00 on or before March 15, 2022.

Council Member Nelsen asked that the sentence on the Council Action Request form – The remaining balance of \$400K - \$500K will be paid by the City of Willmar through federal ARP funds - be corrected to read as follows: The remaining balance of \$400K - \$500K will be paid by the City of Willmar with funding source to be determined.

Following a lengthy discussion, **Resolution No. 2021-165 Accepting Donation from Epitopix, LLC for Water Main Extension** was introduced by Council Member Asmus. Council Member Plowman seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Finance Director Okins presented a request to approve a resolution calling for a public hearing on proposed property tax abatements for the purpose of issuing tax abatement bonds to finance certain public improvements.

Council Member Plowman offered a motion to introduce **Resolution No. 2021-166 Calling for Public Hearing on Proposed Property Tax Abatements for the Purpose of Issuing Tax Abatement Bonds to Finance Certain Public Improvements** and set public hearing for September 7, 2021 at 6:01 p.m. Council Member Ask seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Finance Director Okins presented a request to approve a resolution calling for a public hearing on an ordinance authorizing the issuance of general obligation improvement and abatement bonds, Series 2021B.

Council Member Nelsen offered a motion to introduce **Resolution No. 2021-167 Calling for Public Hearing on an Ordinance Authorizing the Issuance of General Obligation Improvement and Abatement Bonds, Series 2021B and Levying Taxes for the Payment Thereof** and set public hearing for August 16, 2021 at 6:01 p.m. Council Member Plowman seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Finance Director Okins presented a request to approve a resolution providing for the competitive negotiated sale of \$3,495,000 general obligation improvement and abatement bonds, Series 2021B.

**Resolution No. 2021-168 Providing for the Competitive Negotiated Sale of \$3,495,000 General Obligation Improvement and Abatement Bonds, Series 2021B** was introduced by Council Member Nelsen. Council Member Plowman seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Finance Director Okins presented a request to approve a resolution calling for a public hearing on an ordinance authorizing the issuance of \$16,000,000 general obligation sales tax revenue bonds, Series 2021C.

Council Member Nelsen offered a motion to introduce **Resolution No. 2021-169 Calling for Public Hearing on an Ordinance Authorizing the Issuance of General Obligation Sales Tax Revenue Bonds, Series 2021C** and set public hearing for August 16, 2021 at 6:02 p.m. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Finance Director Okins presented a request to approve a resolution providing for the competitive negotiated sale of \$16,000,000 general obligation sales tax revenue bonds, Series 2021C.

**Resolution No. 2021-170 Providing for the Competitive Negotiated Sale of \$16,000,000 General Obligation Sales Tax Revenue Bonds, Series 2021C** was introduced by Council Member Plowman. Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

City Administrator Valiant provided an update on the 2nd Street SE construction project.

Mayor Calvin opened the discussion for adopting protocol for Open Forum at Council meetings.

City Administrator Valiant proposed the Open Forum be offered at the beginning of the Council meeting, limiting the amount of time designated at each meeting so as not to exceed 15 minutes, consideration be given to no more than three individuals speaking to the same topic in order to allow other subjects- five minutes per group, single person/single issue limit of three minutes, with no action taken during Open Forum.

Following discussion, Council Member Nelsen offered a motion to adopt protocol as presented. Council Member Asmus seconded the motion which carried, unanimously.

Mayor Calvin offered the following comments; United Night of Worship will be held August 29th at 4:00 p.m. at Robbins Island – he would like it to be a city sanctioned event for traffic control, etc. and directed staff to work with the organization on the details; Selvig family brought many investments to community and their concern related to changes to Community Center and their desire to keep them in remembrance in future Community Center.

Council Member Asmus offered the following comments: National Night Out events are happening this evening in Willmar.

Council Member Nelsen offered a motion to adjourn the meeting with Council Member Davis seconding the motion which carried. The meeting adjourned at 7:26 p.m.

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
SECRETARY TO THE COUNCIL

**RESOLUTION NO. 2021-161**  
**APPROVING CONSENT AGENDA ITEMS**

Motion By: Fagerlie                      Second By: Asmus

WHEREAS, the City Charter for the City of Willmar requires the City Council approve all Consent Agenda items by resolution.

BE IT RESOLVED by the City Council of the City of Willmar Minnesota, that all Consent Items of the August 2, 2021 City Council meeting be approved as presented.

Dated 2nd day of August, 2021

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2021-162**  
**AUTHORIZATION TO EXECUTE CONSENT TO LEASE AGREEMENT**  
**FOR PIONEERLAND LIBRARY**

Motion By: Fagerlie                      Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Clerk be authorized to sign a Consent to Lease related to the Lease Agreement between Kandiyohi County and Pioneerland Library for the City of Willmar.

Dated this 2nd day of August, 2021.

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2021-163**

**A RESOLUTION AUTHORIZING ENTERING INTO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND MACDONALD AND MACK ARCHITECTS FOR THE HISTORIC BUILDING ASSESSMENT OF THE AUDITORIUM.**

Motion By: Fagerlie

Second By: Asmus

WHEREAS the City of Willmar desires to retain a firm to provide a historic building assessment for the City Auditorium; and

WHEREAS a proposal has been made by the firm of MacDonald & Mack Architects;

BE IT RESOLVED by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute an agreement on behalf of the City for the same.

Dated this 2nd day of August, 2021

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2021-164**

**A RESOLUTION ACCEPTING CHANGE ORDER NO. 1 FOR PROJECT NO. 2110-A.**

Motion By: Asmus

Second By: O'Brien

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to modify the contract for Project No. 2110-A between the City of Willmar and Hydro-Klean by Change Order No. 1 in the increased amount of \$11,925.50.

Dated this 2nd day of August, 2021

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2021-165**

**RESOLUTION ACCEPTING DONATION FROM EPITOPIX, LLC FOR WATER MAIN EXTENSION**

Motion By: Asmus Second By: Plowman

WHEREAS, EPITOPIX, LLC, 1801 Biotech Avenue, NE Willmar, MN 56201, a limited liability company under the laws of the State of Minnesota ("Epitopix"), proposes to locate, construct, and develop an expansion of its existing animal health manufacturing facility (the "Facility"), along with appurtenances thereto, on certain real property owned by Epitopix at 360 NW 45<sup>th</sup> Street in the City of Willmar (the "Property"); and

WHEREAS, the Property is located within a portion of the City which currently lacks water utility infrastructure; and

WHEREAS, in order for Epitopix to locate, construct, develop, and utilize the Facility on the Property, water utility infrastructure will need to be extended through the industrial park to the Property; and

WHEREAS, the City has no current need to undertake improvements to extend its water utility infrastructure at this time but for the proposed development of the Facility by Epitopix; and

WHEREAS, Epitopix is willing to donate to the City a total sum of \$530,000.00, representing a portion of the funds needed for the City to design and construct the water utility infrastructure necessary to extend the City's centralized water system to reach and serve the Facility, as more specifically defined on Appendix A, attached hereto and incorporated herein by reference (the "Project"), plus water and sewer access charges, which shall be paid out of the donated funds, subject to the condition that such funds only be expended by the City in furtherance of such Project; and

WHEREAS, Epitopix intends to make three separate donations totaling \$530,000.00 according to the following schedule, each of which donations shall be separately accepted by the Willmar City Council by resolution pursuant to Minn. Stat. § 465.03:

- \$53,000.00 on or before the date of this Resolution;
- \$238,500.00 on or before October 15, 2021;
- \$238,500.00 on or before March 15, 2022; and

WHEREAS, upon receipt of Epitopix's first donation as set forth herein, the City intends to undertake the design of the Project, and upon receipt of the second and third donations as set forth herein, the City intends to undertake the construction of the Project, all as necessary to extend the City's centralized water system to the Facility; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that Epitopix's initial donation of \$53,000.00, representing a portion of the funds needed for the City to design and construct the Project plus water and sewer access charges, which shall be paid out of the donated funds, is hereby accepted by the City

pursuant to Minn. Stat. § 465.03, subject to the condition of donation that such funds be used by the City for the sole purpose of designing and constructing the Project to be completed on or before December 31, 2022.

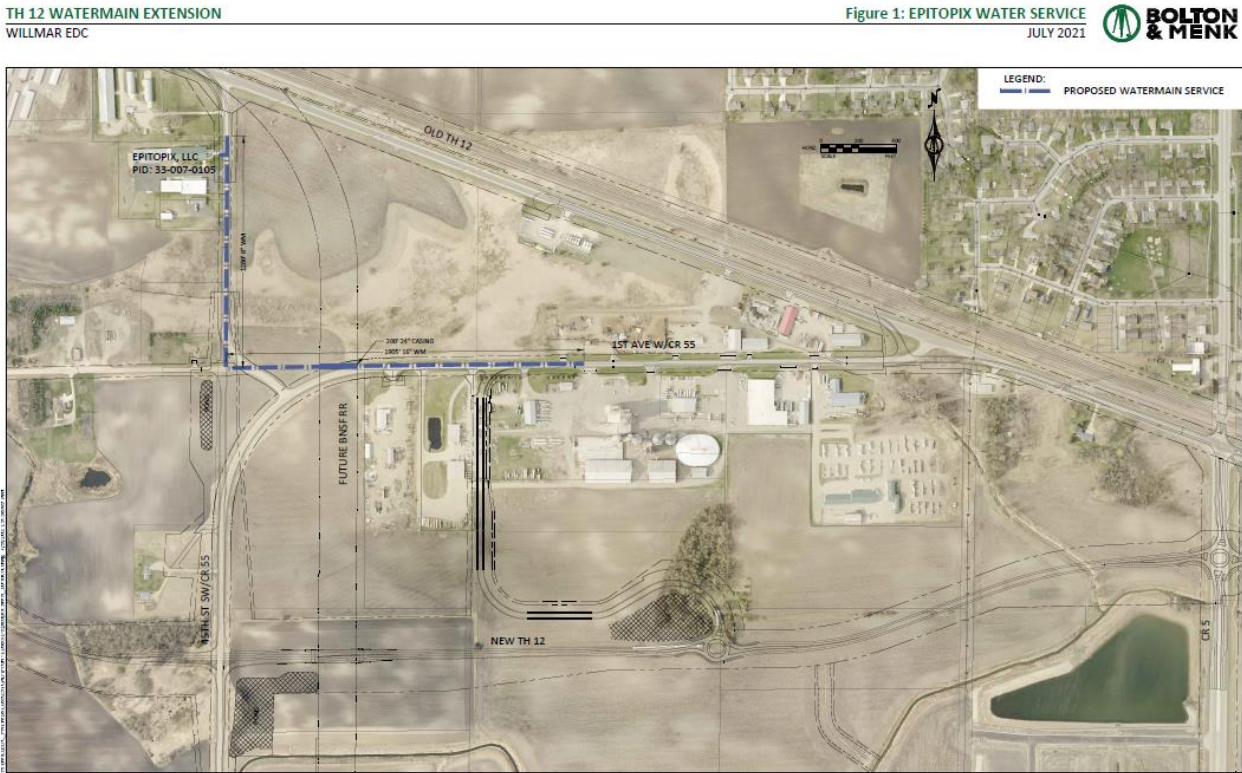
Dated this 2nd day of August, 2021

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
CITY CLERK

APPENDIX A  
WATER MAIN EXTENSION PROJECT



RESOLUTION NO. 2021-166

RESOLUTION CALLING FOR A PUBLIC HEARING ON PROPOSED PROPERTY  
TAX ABATEMENTS FOR THE PURPOSE OF ISSUING TAX ABATEMENT BONDS TO  
FINANCE CERTAIN PUBLIC IMPROVEMENTS

Motion By: Plowman

Second By: Ask

WHEREAS, *Minnesota Statutes*, Sections 469.1812 through 469.1815, both inclusive (the "Act"), authorize the City of Willmar, Minnesota (the "City"), upon satisfaction of certain conditions, to approve an abatement of all or a part of the taxes levied by the City on certain property; and

WHEREAS, the City has determined it is the best interest of the City (i) to undertake financing certain public improvements including without limitation the City's shared use path project 1904 with tax abatement bonds authorized by the Act and (ii) to authorize a property tax abatement with respect to various parcels of land that benefit from such public improvements; and

WHEREAS, the Act requires the City to hold a public hearing prior to adoption of a resolution granting any property tax abatements:

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

i) Hearing. A public hearing on the consideration of authorizing a property tax abatement in connection with the issuance of tax abatement bonds will be held at the time and place set forth in the Notice of Hearing attached hereto as **Exhibit A** and hereby made a part hereof.

ii) Notice. The City Clerk is hereby authorized and directed to cause notice of said hearing in substantially the form attached hereto as Exhibit A to be given one publication in a newspaper of general circulation in the City more than 10 days but less than 30 days before the hearing. The newspaper must be one of general circulation, interest and readership in the City, and must be published at least once per week.

The motion for the adoption of the foregoing resolution was duly seconded by Member Ask and, upon a vote being taken thereon after full discussion thereof, the following voted in favor thereof: Council Members Rick Fagerlie, Julie Asmus, Thomas Butterfield, Michael O'Brien, Justin Ask, Vicki Davis, Andrew Plowman, and Audrey Nelsen

and the following voted against the same: None

Whereupon said resolution was declared duly passed and adopted this 2nd day of August, 2021.

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk



EXHIBIT A

CITY OF WILLMAR

NOTICE OF PUBLIC HEARING  
REGARDING PROPOSED PROPERTY TAX ABATEMENTS  
IN CONNECTION WITH THE ISSUANCE OF TAX ABATEMENT BONDS

NOTICE IS HEREBY GIVEN that the City Council of the City of Willmar, Minnesota (the "City"), will hold a public hearing on Tuesday, September 7, 2021, at a meeting of the City Council beginning on or after 6:01 p.m., Central Time, at the Kandiyohi County Health and Human Services Building Board Room located at 2200 23rd Street NE in the City of Willmar, Minnesota on the proposal to abate all or a portion of property taxes levied by the City on the following parcels (the "Abatement Parcels"):

95-505-1000	95-831-0110	95-831-0400	95-831-0320
95-505-0010	95-831-0120	95-831-0410	95-831-0310
95-913-1028	95-831-0130	95-831-0420	95-831-0300
95-367-0010	95-831-0140	95-831-0430	95-831-0270
95-367-0030	95-831-0150	95-831-0440	95-831-0260
95-445-0010	95-831-0160	95-831-0460	95-831-0250
95-445-0020	95-831-0170	95-831-1010	95-831-0460
95-445-0030	95-831-0180	95-831-0350	95-831-0450
95-913-0997	95-831-0190	95-831-0340	95-831-0440
95-831-0100	95-831-0200	95-831-0330	

The purpose of the proposed abatement is to undertake financing certain public improvements including without limitation the City's shared use path project 1904.

At the public hearing, the Council will consider an abatement resolution under which the City will collect the City's share of property taxes from the Abatement Parcels for a maximum of 10 years each, and use those revenues to pay for certain public improvements including without limitation the City's shared use path project 1904. The total amount of abatement is estimated not to exceed \$600,000, representing the aggregate abatement dollars to be collected and transferred to the City over a maximum of 10 years.

The proposed abatement bonds will not affect tax rates for the Abatement Parcels or otherwise impact taxation of the Abatement Parcels differently from other parcels in the City.

All interested persons may appear at the public hearing on September 7, 2021, and present their views orally or prior to the meeting in writing.

**RESOLUTION NO. 2021-167**

**RESOLUTION CALLING FOR PUBLIC HEARING ON AN  
ORDINANCE AUTHORIZING THE ISSUANCE OF  
GENERAL OBLIGATION IMPROVEMENT AND ABATEMENT BONDS, SERIES 2021B  
AND LEVYING TAXES FOR THE PAYMENT THEREOF**

Motion By: Nelsen

Second By: Plowman

WHEREAS:

A. The City of Willmar (the "City") has heretofore undertaken to construct certain public improvements pursuant to Minnesota Statutes, Chapter 429 and Sections 469.1812 to 469.1815, as more fully described in the proposed Ordinance set forth below.

B. Said improvements have heretofore been duly incorporated into the City's capital Program in accordance with the City Charter.

C. It is necessary and desirable that the City of Willmar issue its General Obligation Improvement and Abatement Bonds, Series 2021B in an aggregate principal amount not to exceed \$4,000,000 to finance various public improvement projects in the City, including without limitation street projects 2101-A, 2101-B and 2103-A, and the shared use path project 1904.

D. Section 2.12 of the City Charter requires that acts of the City Council which authorize the borrowing of money and levying of taxes shall be by ordinance.

E. Councilmember Nelsen introduced an Ordinance entitled "An Ordinance Authorizing the Issuance of up to \$4,000,000 General Obligation Improvement and Abatement Bonds, Series 2021B and the Levying of Taxes to Secure Payment Thereof".

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. The City Clerk is authorized and directed to distribute a copy of said Ordinance to each Council Member, to the Mayor, and to the City Attorney, and to file a reasonable number of copies of the Ordinance in the office of the City Clerk and the following other public places:

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_

2. This Council shall meet at the time and place specified in the form of notice hereinafter contained for the purpose of conducting a public hearing on the Ordinance and considering the Ordinance for adoption.

3. The City Clerk is hereby authorized and directed to cause notice of the time, place and purpose of said public hearing to be published in the local official newspaper of the City not less than seven days in advance of the date of hearing as required by the City Charter, which notice shall be substantially the form attached as **Exhibit A** hereto.

4. Upon sale of said bonds, the City Clerk shall compute the levy made by said Ordinance No. \_\_\_\_ commencing in or about the year 2022 and ending in or about the year 2032 upon all taxable property in the City, which tax shall be spread upon the tax rolls and collected with and as part of other general property taxes in said City in such an amount as is necessary to comply with Minnesota Statutes, Section 475.61, subd. 1. Said tax levy shall be irrevocable so long as any of said bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, subd. 3.

5. No bonds shall be issued and no tax levy shall be effective in accordance with this resolution until (a) after the Ordinance has been duly adopted and published in accordance with the City Charter, and (b) the applicable 15-day period has elapsed with respect to said Ordinance and all appropriate bond resolutions during which period no Certificate of Intent is filed in accordance with Section 7.04(j) of the City Charter.

The motion for the adoption of the foregoing resolution was duly seconded by Member Plowman and upon a vote being taken thereon, the following voted in favor thereof: Council Members Rick Fagerlie, Julie Asmus, Thomas Butterfield, Michael O'Brien, Justin Ask, Vicki Davis, Andrew Plowman, and Audrey Nelsen

and the following voted against the same: None

Whereupon said resolution was declared duly passed and adopted this 2nd day of August, 2021.

/s/ Marv Calvin

Mayor

Attest:

/s/ Judy Thompson

City Clerk

**RESOLUTION NO. 2021-168**

**RESOLUTION PROVIDING FOR THE COMPETITIVE NEGOTIATED  
SALE OF \$3,495,000  
GENERAL OBLIGATION IMPROVEMENT AND ABATEMENT BONDS,  
SERIES 2021B**

Motion By: Nelsen

Second By: Plowman

A. WHEREAS, the City Council of the City of Willmar, Minnesota, has heretofore determined that it is necessary and expedient to issue its \$3,495,000 General Obligation Improvement and Abatement Bonds, Series 2021B (the "Bonds") to finance various public improvement projects in the City, including without limitation street projects 2101-A, 2101-B and 2103-A, and Federal bike path project 1904; and

B. WHEREAS, the City has retained Baker Tilly Municipal Advisors, LLC ("Baker Tilly MA"), as its independent municipal advisor and is therefore authorized to sell these obligations by a competitive negotiated sale in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. Authorization: Findings. The City Council hereby authorizes Baker Tilly MA to solicit bids for the competitive negotiated sale of the Bonds.
2. Meeting: Bid Opening. This City Council shall meet at the time and place specified in the Terms of Proposal attached hereto as **Exhibit A** for the purpose of considering sealed bids for, and awarding the sale of, the Bonds. The Clerk, or designee, shall open bids at the time and place specified in such Terms of Proposal.
3. Terms of Proposal. The terms and conditions of the Bonds and the negotiation thereof are fully set forth in the "Terms of Proposal" attached hereto as **Exhibit A** and hereby approved and made a part hereof.

4. Official Statement. In connection with said competitive negotiated sale, the Clerk and other officers or employees of the City are hereby authorized to cooperate with Baker Tilly MA and participate in the preparation of an official statement for the Bonds, and to execute and deliver it on behalf of the City upon its completion.

The motion for the adoption of the foregoing resolution was duly seconded by Member Plowman and, after full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof: Council Members Rick Fagerlie, Julie Asmus, Thomas Butterfield, Michael O'Brien, Justin Ask, Vicki Davis, Andrew Plowman, and Audrey Nelsen

and the following voted against the same: None

Whereupon said resolution was declared duly passed and adopted this 2nd day of August, 2021.

/s/ Marv Calvin

Mayor

Attest:

/s/ Judy Thompson

City Clerk

**RESOLUTION NO. 2021-169**

**RESOLUTION CALLING FOR PUBLIC HEARING ON AN  
ORDINANCE AUTHORIZING THE ISSUANCE  
OF GENERAL OBLIGATION SALES TAX REVENUE  
BONDS, SERIES 2021C**

Motion By: Nelsen

Second By: Asmus

WHEREAS:

F. The City of Willmar (the "City") has heretofore undertaken to construct certain projects pursuant to Laws of Minnesota for 2019, First Special Session, Chapter 6, Article 6, Section 32, as more fully described in the proposed Ordinance set forth below.

G. It is necessary and desirable that the City of Willmar issue its General Obligation Sales Tax Revenue Bonds, Series 2021C in an aggregate principal amount not to exceed \$16,000,000 to finance the following capital projects in the City in the approximate amounts set forth below (collectively, the "Projects"):

\$10,000,000 for new event/recreation center facilities; and

\$6,000,000 for new athletic fields.

H. Section 2.12 of the City Charter requires that acts of the City Council which authorize the borrowing of money and levying of taxes shall be by ordinance.

I. Councilmember Nelsen introduced an Ordinance entitled "An Ordinance Authorizing the Issuance of up to \$16,000,000 General Obligation Sales Tax Revenue Bonds, Series 2021C".

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. The City Clerk is authorized and directed to distribute a copy of said Ordinance to each Council Member, to the Mayor, and to the City Attorney, and to file a reasonable number of copies of the Ordinance in the office of the City Clerk and the following other public places:

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_

4. This Council shall meet at the time and place specified in the form of notice hereinafter contained for the purpose of conducting a public hearing on the Ordinance and considering the Ordinance for adoption.

5. The City Clerk is hereby authorized and directed to cause notice of the time, place and purpose of said public hearing to be published in the local official newspaper of the City not less than seven days in advance of the date of hearing as required by the City Charter, which notice shall be substantially the form attached as **Exhibit A** hereto.

6. No bonds shall be issued in accordance with this resolution until (a) after the Ordinance has been duly adopted and published in accordance with the City Charter, and (b) the applicable 15-day period has elapsed with respect to said Ordinance and all appropriate bond resolutions during which period no Certificate of Intent is filed in accordance with Section 7.04(j) of the City Charter.

The motion for the adoption of the foregoing resolution was duly seconded by Member Asmus and upon a vote being taken thereon, the following voted in favor thereof: Council Members Rick Fagerlie, Julie Asmus, Thomas Butterfield, Michael O'Brien, Justin Ask, Vicki Davis, Andrew Plowman, and Audrey Nelsen

and the following voted against the same: None

Whereupon said resolution was declared duly passed and adopted this 2nd day of August, 2021.

/s/ Marv Calvin

Mayor

Attest:

/s/ Judy Thompson

City Clerk

## EXHIBIT A

### NOTICE OF PUBLIC HEARING ON THE ADOPTION OF AN ORDINANCE

NOTICE IS HEREBY GIVEN by the City Council of the City of Willmar, Minnesota, that the City Council will conduct a public hearing on and consider adoption of the Ordinance described below, at 6:02 o'clock p.m. on the 16<sup>th</sup> day of August, 2021 at the Kandiyohi County Health and Human Services Building Board Room, 2200 23rd St NE #1020, Willmar, MN 56201, said proposed Ordinance is as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$16,000,000 GENERAL OBLIGATION SALES TAX REVENUE BONDS, SERIES 2021C.

The City of Willmar hereby ordains:

1. The City of Willmar has heretofore determined to construct and finance the following capital projects in the City in the approximate amounts set forth below (collectively, the "Projects"):

\$10,000,000 for new event/recreation center facilities; and

\$6,000,000 for new athletic fields.

2. This Ordinance is adopted in order to authorize the borrowing of money and the issuance of General Obligation Sales Tax Revenue Bonds Series 2021C and the levying of taxes therefor, to finance a portion of the costs of the Projects in an approximate aggregate principal amount not to exceed \$16,000,000, as provided in Section 2.12 of the City Charter. Further details shall be set forth by resolution.

By Order of the City Council

/s/ Judy Thompson

City Clerk

### RESOLUTION NO. 2021-170

#### RESOLUTION PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF \$16,000,000 GENERAL OBLIGATION SALES TAX REVENUE BONDS, SERIES 2021C

Motion By: Plowman

Second By: Nelsen

C. WHEREAS, the City Council of the City of Willmar, Minnesota, has heretofore determined that it is necessary and expedient to issue its \$16,000,000 General Obligation Sales Tax Revenue Bonds, Series 2021C (the "Bonds") to finance new event/recreation center facilities and new athletic fields in the City; and

D. WHEREAS, the City has retained Baker Tilly Municipal Advisors, LLC ("Baker Tilly MA"), as its independent municipal advisor and is therefore authorized to sell these obligations by a competitive negotiated sale in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

5. Authorization; Findings. The City Council hereby authorizes Baker Tilly MA to solicit bids for the competitive negotiated sale of the Bonds.

6. Meeting; Bid Opening. This City Council shall meet at the time and place specified in the Terms of Proposal attached hereto as **Exhibit A** for the purpose of considering sealed bids for, and awarding the sale of, the Bonds. The Clerk, or designee, shall open bids at the time and place specified in such Terms of Proposal.

7. Terms of Proposal. The terms and conditions of the Bonds and the negotiation thereof are fully set forth in the "Terms of Proposal" attached hereto as **Exhibit A** and hereby approved and made a part hereof.

8. Official Statement. In connection with said competitive negotiated sale, the Clerk and other officers or employees of the City are hereby authorized to cooperate with Baker Tilly MA and participate in the preparation of an official statement for the Bonds, and to execute and deliver it on behalf of the City upon its completion.

The motion for the adoption of the foregoing resolution was duly seconded by Member Nelsen and, after full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof: Council Members Rick Fagerlie, Julie Asmus, Thomas Butterfield, Michael O'Brien, Justin Ask, Vicki Davis, Andrew Plowman, and Audrey Nelsen

and the following voted against the same: None

Whereupon said resolution was declared duly passed and adopted this 2nd day of August, 2021.

/s/ Marv Calvin

Mayor

Attest:

/s/ Judy Thompson

City Clerk